IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.4860 OF 2003.

IN

FIRST APPEAL NO.1305 OF 2002.

Shri Suresh Mohanlal Sharma : Appellants.

versus

The Life Insurance Corp.of India: Respondent.

Ms.Kiran Bhagaliya for the appellants.

Mr.De Jure for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 09th September 2005.

ORAL ORDER

1. This application is filed by the original claimant/respondent for permission to withdraw the amount deposited by the Insurance Company. As per award of the Civil Judge, Senior Division, Pune, Rs.1,75,000/- plus interest have been awarded to the claimant. That amount was

deposited by the Insurance Company as a condition of stay. The claim of the claimant was for compensation on the basis of Insurance Policy. Advocate for the Insurance Company strongly opposed this application on the ground that there was suppression of material facts by the claimant before the trial court and, therefore, they should not be permitted to withdraw the amount.

2. Since the decree is a money decree and Insurance Company was directed to the deposit the amount, the claimant is permitted to withdraw 50% of the amount deposited in this court upon furnishing security to the satisfaction of the Registrar of this Court. Rest of the amount to be invested in a nationalised bank for a period of three years. Civil Application is disposed of.

[D.G.DESHPANDE,J]